
From: svcsmartmfi
Sent: 9/28/2011 7:55:52 PM
To: SMART Core
Subject: HRC 18 Instructions for mandate renewal of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

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Date/DTG: Sep 28, 2011 / 281909Z SEP 11
From: SECSTATE WASHDC
Action: GENEVA, USMISSIONROUTINE
E.O.: 13526
TAGS: PHUM
Reference: TAT/LANE E-MAIL 9/27 AT 9:44
Pass Line: PASS TO IO/FO
Correction Reason: Additional Drafter and/or Approver
Subject: HRC 18 Instructions for mandate renewal of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

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PASS TO IO/FO

E.O. 13526: N/A
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REF: A) TAT/LANE E-MAIL 9/27 AT 9:44

1. Mission Geneva is instructed to join consensus with an explanation of position on the resolution on "The mandate renewal of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes," based on the text sent in refel. and subject to confirmation that the text does not change. Mission Geneva should deliver the explanation of position included below in paragraph 2.

2. Begin explanation of position.

The United States recognizes that improper management and disposal of hazardous substances and wastes may have implications for the effective enjoyment of human rights, including civil, political, economic, social, and cultural rights. Accordingly, we join

consensus on this resolution. We appreciate the attention of the delegation of Cte d'Ivoire to this significant issue, and its efforts to reach consensus and to address several of our concerns, particularly in making some improvements to the mandate holder's title.

We would note some concerns with the resolution, however. As an initial matter, we reiterate our general concern regarding the approach of placing environmental issues in the human rights context, particularly where, as here, venues other than this Council have the mandate and the technical expertise to address the environmental issue under discussion. As specific concerns, this resolution's text could make more consistent its varied descriptions of possible implications for the effective enjoyment of human rights. Where the resolution notes concerns that may arise from "movements" of hazardous substances and wastes, we understand this to address, more specifically, uncontrolled and illegal movements.

We are also particularly concerned about one of the possible topics that the Special Rapporteur may report on, concerning the possibility of ambiguities in international instruments and gaps in effectiveness of international regulatory mechanisms. We understand this part of the mandate to be interpreted within the larger mandate of the Human Rights Council. In that respect, it would of course focus solely on human rights issues and, consistent with the preamble of the resolution, avoid overlap with the competence of expert, non-human rights international instruments and entities. We also understand that this mandate should not presume conclusions about such instruments and entities that are not necessarily warranted. Accordingly, we hope that the Special Rapporteur will take care to address possible human rights implications, rather than non-human rights issues involving how to manage and dispose of hazardous substances and wastes, and rather than interpreting environmental treaties that are beyond his authority or mandate.

Finally, we also ask that the Council consider carefully, in three years' time, whether the work of this Special Rapporteur, which at that point will have been ongoing for 20 years, will be complete at the end of the term that is being renewed today.

Thank you, Mr. President. End text.
CLINTON

Signature: CLINTON

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